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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ROLAND MA,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE, *et al.*,

12 Defendants.  
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NO. C19-1764RSL

ORDER DENYING MOTION TO  
SEAL

15 This matter comes before the Court on plaintiff's "Ex-Parte Motion for Sealing or  
16 Restricting Case/Documents." Dkt. # 21. Plaintiff requests that access to the docket in this  
17 matter be limited to court users and case participants: he apparently fears that statements made or  
18 evidence produced in this litigation will be used against him in on-going state criminal  
19 proceedings. Having reviewed the motion and the remainder of the record, the motion is  
20 DENIED.  
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22 In Nixon v. Warner Commc'ns, 435 U.S. 589, 597 (1978), the Supreme Court recognized  
23 a federal common law right "to inspect and copy public records and documents." The Ninth  
24 Circuit has made clear that this right extends to documents filed in civil cases and that there is a  
25 presumption in favor of public access. Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122,  
26 1134 (9th Cir. 2003). To overcome the presumption, plaintiff must provide a sufficiently  
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1 compelling reason for sealing a document or the case docket. Plaintiff has not met his burden.  
2 He acknowledges that police officers are permitted to conduct investigations and to review  
3 public records. He does not identify any improper use of the information submitted by the parties  
4 in this litigation, simply noting that what he says or submits here may be adverse to his interests  
5 in pending criminal proceedings. Plaintiff has not shown a compelling reason to prevent or  
6 prohibit public review of this case file, much less to interfere with a law enforcement  
7 investigation. Just as importantly, the requested relief would not prevent the harms plaintiff  
8 fears. Even if granted, the City of Seattle and the Seattle Police Department would still have  
9 access to the docket and materials filed herein.  
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12 In addition, ex parte motions are rarely justified. Safeguards that have evolved over many  
13 decades are built into the civil rules of procedure and generally require that the opponent have  
14 notice and an opportunity to be heard. Procedures and timetables for the submission of motions,  
15 responses, and replies “are intended to provide a framework for the fair, orderly, and efficient  
16 resolution of disputes. Ex parte applications throw the system out of whack.” In re  
17 Intermagnetics Am., Inc., 101 B.R. 191, 193 (C.D. Cal. 1989). See LCR 7. They deprive the  
18 opponent of a meaningful opportunity to participate and deprive the Court of the benefits of the  
19 adversarial system. Seeking relief from the Court without input from both sides is justified only  
20 where the moving party will be irreparably harmed or prejudiced if the non-moving party is  
21 given notice of the request or the motion is heard according to the regular motions calendar. The  
22 moving party must also show that it played no part in creating the exigency that requires  
23 immediate, ex parte relief.  
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1 For all of the foregoing reasons, plaintiff's motion to seal the docket in this case is  
2 DENIED.

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4 Dated this 14th day of November, 2019.

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7 Robert S. Lasnik  
8 United States District Judge  
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